



Project Team

Congestion Relief & Bus Rapid Transit Projects

APPENDIX O5

Memorandum of Agreement between WSDOT and the City of Kirkland

I-405, SR520 to SR522 Stage 1 (Kirkland Stage 1)

Draft RFP
March 22, 2005



**Washington State
Department of Transportation**

**Washington State Department of Transportation
Urban Corridors Office
Agreement Term Sheet**

Local Agency:	City of Kirkland	Status:	Pending
Agreement Title:	I-405 Nickel Stage 1 & 2		
Agreement Duration:	Execution through Jan 2015		

Agreement Project Manager/Contact:

WSDOT/I-405 Team:	Denise Cieri- Segment Manager	Phone:	425-456-8509
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Asst. Attorney. General Assigned:		Phone:	
Other Party Legal Staff Assigned:		Phone:	

Schedule Dates:	
Complete Term Sheet Draft:	01/31/05
Term Sheet Finalization:	03/30/05
Agreement Execution:	05/05/05

Purpose of Agreement:

This Interlocal Agreement further defines communication channels, roles and specific design elements for stages 1 and 2 of the Kirkland nickel projects. A Memorandum of Understanding (dated April 5th, 2004, attached as Exhibit A) also describes the terms under which the City of Kirkland and WSDOT will continue to cooperate during the Design-Build (DB) contract design and construction of this project.

Scope of Agreement:

Definition of Abbreviations Used:

BNSF: Burlington Northern Santa Fe Railroad
 DB: Design-Build
 EB: eastbound
 I/C: interchange
 I/S: intersection
 KAC: Kirkland I-405 Advisory Committee
 NB: northbound
 SB: southbound
 SPUI: single point urban interchange
 SR: State Route
 USFWS: United States Fish & Wildlife Service
 WB: westbound

PROJECT DESCRIPTION

General Description (project limits as depicted on attached Exhibit B) :

- Add one general purpose lane NB on I-405 from the Northeast 70th Street exit to the Northeast 124th Street exit.
- Add one general purpose lane SB on I-405 from SR 522 to the existing add lane at the SR 520 I/C.
- The widening described above will widen the existing I-405 roadway without rebuilding the Northeast 70th Street, Northeast 85th Street, or Northeast 124th Street interchanges. This will result in non-standard lane and shoulder widths on I-405 through these interchange areas.
- Reconstruct the existing half-diamond Northeast 116th Street I/C to a half SPUI.
- Provide arterial improvements on Northeast 116th Street from west of the 120th Avenue Northeast intersection to the 124th Avenue Northeast intersection.
- Provide improvements on 120th Avenue Northeast at the Northeast 116th Street intersection.

Staged Construction Details

The Project will be constructed in two stages, referred to as Stage 1 and Stage 2. Both Stages are fully funded, with Stage 1 scheduled for 2005 – 2009 and Stage 2 scheduled for 2009 – 2011. The detailed descriptions below are the result of ongoing communication and negotiation between the WSDOT, the City, and the Kirkland Advisory Committee.

Stage 1 components include, but are not limited to:

1. Construct one additional general purpose lane on both NB and SB I-405 between Northeast 85th Street and Northeast 124th Street, including reconstruction of mainline structures over Northeast 116th Street.
2. Rebuild NB exit ramp from I-405 to Northeast 116th Street, tying into the existing ramp termini just south of Northeast 116th Street.
3. Realign the Northeast 85th Street SB to WB ramp and modify the existing Northeast 85th Street to 114th Avenue northeast right turn pocket.
4. Construct wetland mitigation sites for mitigation of both Stage 1 & Stage 2 wetland impacts.
5. Rebuild and extend northward, approximately 1300 linear feet, existing noise walls east of I-405 at the Northeast 85th on-ramp.
6. Construct a noise wall south of the existing Northeast 100th Street pedestrian bridge.
7. Replace a noise wall panel west of I-405 south of the Northeast 85th Street interchange.
8. Replace approximately 390 linear feet of existing noise wall west of I-405 and north of the Northeast 85th Street interchange.
9. Through coordination between WSDOT, the City of Kirkland and USFWS the existing fish barrier at Forbes Creek is being removed. The new fish way and fish-friendly culvert at the I-405 crossing will open approximately 3,000 feet of stream habitat up to Forbes Lake. In addition, the Forbes Lake and feeder tributaries to the lake will provide additional natural riparian and stream habitat opportunities.
10. Construct new temporary pedestrian walkway and other pedestrian enhancements on the north side of Northeast 116th Street to address pedestrian traffic safety.
11. Construct various retaining walls.
12. On the I-405 Mainline northbound and southbound from approximately Northeast

85th Street to the Northeast 116th I/C ramps and north of the Northeast 116th Street I/C, provide landscaping as defined in the I-405 Urban Design Criteria. Where further reconstruction in Stage 2 will occur, temporary seeding will be provided south of the NE 116th I/C.

13. For wall treatment at the NE 116th I/C bridge abutment, provide the architectural elements described in the I-405 Urban Design Criteria
14. Resurface I-405 between NE 85th Street and NE 124th Street.
15. Replacement of damaged Noise wall panel southbound on-ramp from NE 85th Street. Wall texture should match adjacent panels.
16. WSDOT acknowledges the importance to the City of constructing the southbound on-ramp at Northeast 116th Street as soon as possible. As such, WSDOT will make this work a priority should monies become available. WSDOT will endeavor to find ways to add this work within Stage 1 should actual bidding results provide lower costs than anticipated. This may be accomplished through any means WSDOT finds feasible, including contractual agreements with the selected design builder.

Stage 2 major components include, but are not limited to:

1. Construct one additional general purpose lane on NB I-405 from Northeast 70th Street to Northeast 85th Street.
2. Construct one additional general purpose lane on SB I-405 from SR 522 to Northeast 124th Street and from Northeast 85th Street to SR 520.
3. Finish reconstruction of the Northeast 116th Street I/C to a half-SPUI, including the reconstruction of the SB on-ramp, arterial widening of Northeast 116th Street and 120th Avenue Northeast, and including replacement of the BNSF structure on Northeast 116th Street. Replacement of the BNSF structure is contingent upon execution of an agreement between WSDOT and BNSF.
4. Construct bike lanes and pedestrian improvements along Northeast 116th Street from approximately 114th Avenue Northeast to 124th Avenue Northeast.
5. Construct pedestrian improvements on 120th Avenue Northeast in the vicinity of the Northeast 116th Street / 120th Avenue Northeast intersection.
6. Provide the architectural elements described in the I-405 Urban Design Criteria (wall treatment, lighting, and pedestrian walkway amenities) at the Northeast 116th Street interchange.
7. Provide landscaping as described in the I-405 Urban Design Criteria on I-405 mainline NB and SB in all areas that were not addressed in Stage 1. Complete landscaping according to the I-405 Urban Design Criteria at the Northeast 116th I/C, including the south portion of the interchange.
8. Construct noise walls on the east side of I-405 south of the Northeast 70th Street I/C.
9. Replace the existing noise wall located on the west side of I-405 south of the Northeast 70th Street I/C, near the Northeast 60th Street pedestrian bridge.
10. Construct a noise wall on the east side of I-405 from approximately the Northeast 80th Street pedestrian bridge to Northeast 83rd Street.
11. Construct various noise walls outside the City of Kirkland's corporate limits.
12. Construct various retaining walls.
13. Resurface I-405 NB from NE 70th Street to NE 85th Street, and SB from SR 522 to NE 124th and from NE 85th to SR 520.

ROLES

Because of the future contractual agreement between WSDOT and the project's Design-Builder, the City will direct all communication related to the projects through the appropriate WSDOT representative:

- Construction: I-405 Contract Manager
- Design: I-405 Design Manager
- Traffic Control: I-405 Traffic Control Manager
- Public Information: I-405 Public Information Manager
- All Other Inquiries: I-405 Segment Manager

The City of Kirkland will provide members for both the I-405 Maintenance and Operations Task Force and Public Involvement Task Force in order to facilitate communication between the City, WSDOT and the Design Builder. City of Kirkland representatives agree to attend regular meetings of these task forces. Meeting schedules will be determined after the Design-Builder has been selected by WSDOT. These task forces serve as advisory groups to the Design-Builder.

The City of Kirkland task force representative(s) will assist to expedite city review and approval of all Design-Builder submittals that are required to be made to the City, e.g., detour and traffic control plans. While issues related to any submittal made to the City for review would likely be discussed at Traffic Control, or Public Information Task Force meetings or other coordinating groups, it shall be the Design-Builder's responsibility to make all submittals directly to the City for its review.

WSDOT and the City of Kirkland recognize the importance of timeliness in reviews, avoidance in delays, and minimizing costs for the Nickel Project, and the mutual benefit provided in shortening plan and proposal review times. To that end, both agencies extend their highest commitment to cooperate in reducing plan review times.

If the Design-Builder proposes a design change to an element within the City of Kirkland's corporate limits, WSDOT will present the change to the City for concurrence. The City may choose, at its discretion, to reconvene the KAC to obtain their input regarding the proposed change. The City of Kirkland may also choose to convene and involve the KAC as the City deems necessary to continue distributing community information and maintaining committee and community involvement.

If the City of Kirkland wishes to propose a change to an element in either Stage 1 or 2 within the City of Kirkland's corporate limits, the City may request a meeting through WSDOT with WSDOT and the design-build contractor. WSDOT agrees to meet in a cooperative spirit to discuss and, if the change is appropriate as determined by WSDOT, implement the requested change. Responsibility for any costs associated with implementation of these changes will be negotiated during the WSDOT review period. The consideration of possible schedule delays which may result in additional cost will be of paramount importance to both parties with reducing cost as the prime goal and acknowledged mutual benefit.

WSDOT will make presentations to the City and the KAC when requested to do so by the City.

WSDOT and the City will meet after construction of Stage 1 to review “lessons learned” regarding roles, responsibilities and processes and write a supplement to the future agreement if necessary to further develop the relationships and processes prior to the construction of Stage 2.

WSDOT and/or its design-build contractor agrees to apply for and obtain all necessary permits for work within corporate limits of the City of Kirkland and regulated by the City of Kirkland, including but not limited to:

- Exceptions to the Hours for Development Activity (per KZC 115.25), and,
- Noise Variance Approvals (per KZC 115.95), and,
- Right-of-Way use permit (which would include all utility and road construction work within the Kirkland public right-of-way, including but not limited to: review of haul routes, proposed road closures, design and construction of sewers, utilities, road grades, sidewalks, curbs, driveway curb cuts, pavement sections, etc.), and,
- Land Surface Modification permit(s) for the purpose of addressing local critical areas requirements related to wetlands mitigation at Forbes Lake per the Kirkland Zoning Code and consistent with state and federal requirements.

WSDOT shall pay the City of Kirkland for all permit and associated review fees.

DESIGN

Existing Conditions

I-405 Mainline

- Four 12 foot wide lanes
- Inside shoulder varies from 4 to 7 feet wide
- Outside shoulder 10 feet wide

Northeast 116th Street

- Four 11 foot wide lanes under I-405
- Five 11 foot wide lanes east of the I-405 interchange
- Three 11 foot wide lanes west of I-405 across 120th Avenue Northeast

120th Avenue Northeast

- Three 11 foot wide lanes north of Northeast 116th Street
- Two 11 foot wide lanes south of Northeast 116th Street

Proposed Conditions

Geometric

All plans will follow I-405 plan prep manual using WSDOT design standards within limited access and Kirkland design standards for City streets outside of limited access, except as identified in this term sheet. Any proposed grade change to Northeast 116th Street shall be included in design plans submitted to the City of Kirkland for review as part of a complete Right-of-Way use permit application.

Stage 1

Roadway Enhancements

I-405 Mainline

- Five 12 foot wide lanes

- Inside shoulder 10 feet
 - Outside shoulder 10 feet
- 116th arterial
- Northeast 116th no change

Pedestrian Enhancements

- The existing sidewalk on the north and south side of Northeast 116th Street under the I-405 over crossing will be removed as part of the demolition of the mainline structures. The sidewalk on the south side of Northeast 116th Street will not be replaced. The sidewalk on the north side of Northeast 116th Street will be replaced with an 8 foot wide, ADA compatible, temporary asphalt sidewalk that will transition to the existing sidewalk on either side of the structure; a 4 foot wide gravel buffer will be placed between this sidewalk and the roadway. Gravel will also be installed between the back of the sidewalk and the I-405 mainline structure abutment.
- Place gravel between Northeast 116th Street and the I-405 mainline structure abutments to the south.
- Construct 10 foot wide sidewalk with ADA ramp at the southeast quadrant of the northbound I-405 off-ramp at Northeast 116th Street.
- Reconstruct the ADA ramp on the north side to align with the signal and south side ramp; restripe the crosswalk to align with these ramps.
- During construction the contractor will maintain pedestrian access through the construction zone on the north side of Northeast 116th Street.

Stage 2

Roadway Enhancements

- New 5 foot wide bike lanes will be built on Northeast 116th Street between 120th Avenue Northeast and 124th Avenue Northeast. Existing bike lanes on Northeast 116th Street west of 120th Avenue Northeast will be rebuilt and will match into existing bike lanes.
- Lane widths on all arterial streets will follow current City of Kirkland Standard Plans, except as modified by this term sheet. All lane widths on arterial streets will be 11 feet minimum.
- Curb radius on the southeast corner of the Northeast 116th Street / 120th Avenue Northeast intersection will be 55 feet. Curb radius at the northeast corner of this intersection will be 50 feet with tapers. Traffic counts are currently being performed by WSDOT to determine the applicable design vehicle and appropriate design radius.
- Curb radii on the west side of the Northeast 116th Street / 120th Avenue Northeast intersection will be 40 feet in the northwest quadrant and 35 feet in the southwest quadrant with a tapered curb line design. WSDOT understands that pedestrian movement is important to the City of Kirkland at this intersection and they agree to continue to work on alternatives to reduce the pedestrian walk distance while still meeting WSDOT design requirements within the limited access.
- The City's Capital Improvement Plan provides for project CST-0060, which will extend 118th Avenue Northeast south to tie into the Northeast 116th Street widening improvements that will be constructed in Stage 2. This project is currently unfunded; however, both the City and WSDOT recognize that funding

could likely become available as public and private development activity intensifies. If funding is received before Stage 2 design is finalized, WSDOT will perform the additional traffic modeling, analysis, and design necessary to incorporate this new road into the Northeast 116th Street Stage 2 design.

Pedestrian Enhancements

- North side of Northeast 116th Street: Construct an 8 foot wide sidewalk (from 120th Avenue NE to 124th Avenue NE). Construct a 4.5 foot wide planter strip between the curb and the sidewalk except under the I-405 mainline structure where there will be no planter strip.
- South side of Northeast 116th Street: Construct a 10 foot wide sidewalk under the I-405 mainline structures that tapers to an 8 foot wide sidewalk with a 4.5 foot wide planting strip on the east of the structure and that ties into the existing sidewalk radius at 124th Avenue Northeast. West of I-405 but east of 120th Avenue Northeast, the sidewalk will be 10 feet wide.
- Northeast 116th Street / 120th Avenue Northeast intersection:
 - Construct 5 foot wide sidewalk on the east side of 120th Avenue Northeast both 300 feet north of BNSF right of way and 250 feet south of Northeast 116th Street.
 - Construct a 5 foot wide sidewalk with a 4.5 foot wide planting strip on the west side of 120th Avenue Northeast, 250 feet north of Northeast 116th Street, matching and tying into the existing 5 foot wide sidewalk.
 - Rebuild the 5 foot wide existing sidewalk on the west side of 120th Avenue Northeast 1000 feet south of Northeast 116th Street to match the existing 5 foot sidewalk.
- All new sidewalks will be ADA compliant.

Aesthetics

It is our joint intent that all aesthetics elements will conform to the guidelines as described in the draft I-405 Urban Design Criteria (UDC). The parties are involved in the process of finalizing the UDC and understand that the engineering details of the aesthetic elements have not been resolved. The UDC is the result of much work on the part of staff and community consensus, with much input and direction from the Kirkland Advisory Committee through the Context Sensitive Solutions (CSS) process.

Stage 1

- Noise & Retaining Wall Texture- On the community side of new noise walls an Ashlar Finish will be used.
- Community Art - It's the City's goal to provide aesthetic and artistic treatment where appropriate to enhance the public experience and to assist in providing a stronger sense of community identity. A design theme is in place which has undergone specific public process and some lengthy discussion; it's gained popular support among the City Council, the Kirkland Advisory Committee, and the Kirkland Cultural Council. For the current highway Nickel Project, it's the City's intent to re-use the original art form liners available from another project to places determined appropriate by the City and WSDOT. WSDOT, through its staff and its corridor-wide CSS Aesthetics Advisory Committee, will assist the City in determining all applicable walls (retaining, noise, and structure abutment walls, etc.), and wall areas for original art treatment. This information is

critical in helping the City determine additional costs, if any, for such work. And, the City shall pay additional costs associated with this substitution, if any apply. WSDOT and/or its D-B Contractor will assist to coordinate the exchange and sharing of form liner molds as specific wall enhancement projects occur.

- Northeast 116th Street Abutment Texture - The abutment wall will use Ashlar finish alternating with the I-405 Rhododendron upsweep standard form, as shown in the draft Urban Design Criteria, or a substitute wall surface treatment determined by the City of Kirkland (see below). The ends of the Northeast 116th Street bridge abutments will have a horizontal pattern treatment.
 - The Sound Transit 128th Street Bridge project is constructing original art with form liners of unique design, the result of a long community-based process. The City is considering application of original art form liners between the Ashlar finish areas at the 116th Street location (among others) from the Sound Transit 128th Street Bridge project. The spaces between the Ashlar treatments are an agreed, potential location for community art. Coordination with the Sound Transit 128th Street Bridge project shall be an expectation for the WSDOT D-B Contractor.
- Pedestrian lighting as described in the Urban Design Criteria will be provided on the north side under the Northeast 116th Street structure. The fixtures will be provided and installed by WSDOT and maintained by the City of Kirkland.
- Landscaping will be designed and installed as described in the Urban Design Criteria. WSDOT will cooperate and work with the City of Kirkland to preserve trees.
- Along the mainline, plantings will be informal or natural in appearance and will utilize all native plantings (a mix of native evergreen and deciduous trees and shrubs).
- Roadway lighting will be provided and installed by WSDOT.
- Bridge Structure will be color stained as described in the I-405 Urban Design Criteria.
- Right-of-way safety fence, as described in the I-405 Urban Design Criteria, will be provided by WSDOT.

Stage 2

- Noise & Retaining Wall Texture- On the community side of new noise walls an Ashlar Finish will be used.
- Pedestrian lighting will be provided on the south side under the Northeast 116th Street structure. The fixtures will be provided and installed by WSDOT and maintained by the City of Kirkland.
- Stone Landscaping- On the south side of Northeast 116th Street, between the back of the sidewalk and the abutment face, a stone landscape will be provided.
- Seating, as described in the I-405 Urban Design Criteria, will be provided on the south side of the Northeast 116th Street sidewalk and on the north side just east and west of the proposed 116th bridge abutment.
- Landscaping will be designed and installed as described in the I-405 Urban Design Criteria. WSDOT will cooperate and work with the City of Kirkland on tree preservation.
 - At the I-405 / Northeast 116th Street I/C, the landscaping will focus on accent or street tree planting in informal groupings at the intersections or on-off ramps that can potentially tie in with adjacent street tree plantings and provide a sense of entry and accent.
 - Stone landscaping under the NE 116th Street bridge will be provided by WSDOT

- The sidewalk will be constructed of color stained concrete, enhanced by a square/rectangular pattern, as described in the I-405 Urban Design Criteria.
- Roadway lighting will be provided and installed by WSDOT.
- Traffic Barrier will be color stained as described in the I-405 Urban Design Criteria.
- Right-of-way safety fence, of a type selected by the aesthetic committee, will be provided by WSDOT.

Storm Drainage on Northeast 116th Street

Stage 1

- Design will include installation of approximately 370 linear feet of 24 inch pipe with associated drainage structures along the southern edge of NE 116th Street. Improvements will extend from the southeast quadrant of the interchange running west under the I-405 main line, and connect to an existing catch basin located under the southbound bridge. The new conveyance piping will replace an existing open ditch and constrictive 15 inch pipe segments that are known to cause flooding in this area. Proposed piping and structures will be located to function with future (Stage 2) alignment configurations.
- Design will replace additional drainage structures in the southeast quadrant of the interchange to collect runoff from the northbound off-ramp and existing private drainage facilities lying southeast of the interchange. These structures will connect to the proposed 24 inch conveyance system at NE 116th Street.
- The performance goal of the Stage 1 storm drainage improvements on NE 116th Street is to resolve the flooding problems due to pipeline constriction and vegetation blocking grates within the WSDOT right-of-way. Should the actual design and construction solution in Stage 1 not resolve this problem, WSDOT agrees to meet with City of Kirkland engineering and maintenance staff, and to provide a temporary relief for that period between Stages 1 and 2 (approximately 2007 – 2009). At Stage 2 when the NE 116th Street interchange will be completed, WSDOT would include and address final solutions for storm drainage flooding in that stage.

Stage 2

- Design will include installation of new drainage structures and lateral piping to function with roadway improvements along NE 116th Street. New drainage structures will include curb inlets to reduce leaf blockage at the inlet grates. Stage 2 drainage improvements will connect with the 24 inch trunk line along NE 116th Street.

DESIGN REVIEW

WSDOT will provide to the City of Kirkland 60% design plans for review. The City's review will be to ensure plan conformance with the appropriate WSDOT Request For Proposal and applicable Kirkland regulations. The review will be completed within 10 business days from receipt of the plans.

UTILITIES

- The City will have completed encasing, with steel pipe, the entire length of uncased pipe of Kirkland's 18-inch diameter gravity sanitary sewer crossing under I-405 no later than July 1st, 2005. All utility relocations and encasement for this contract must be

completed by July 1st to assure no potential conflicts occur with WSDOT's Design Build contractor. If special considerations are necessary to extend this date for the re-encasement of the sewer utility, the City of Kirkland must 1) provide proof of clear progress in completing the designs for this work, 2) provide a schedule which shows there will not be a conflict with the WSDOT project and 3) that the work will be accomplished by a firm date on or before August 31, 2005. This sewer is located just south of the Northeast 116th Street I/C and is identified in WSDOT Utility Permit # 14555.

- The City communication conduit located above and in the same trench as the Abovenet Fiber cables installed by Metro Fiber Networks in WSDOT Utility Permit # 17585, are not in the planned project impact area and is not planned to be relocated in this project. Should the conduit be impacted, the City will provide measures to have it relocated in conjunction with the concurrent Abovenet fiber cable relocation activities.

TRAFFIC CONTROL AND DETOUR PROCESS

The design-build contractor shall submit proposed road closures, detours and traffic control plans to the City of Kirkland Public Works Department for approval. The City will review each submittal and return to the design build contractor within ten (10) business days after receipt plans indicating either '*approved*', '*approved with comments*', or '*not approved, contractor to revise and resubmit*'.

WETLAND MITIGATION SITES

WSDOT and City staff worked together closely to locate wetland mitigation sites that were agreeable to both parties. These sites were chosen to assure maximum value to the environment. All wetland mitigation will be constructed under Stage 1.

Forbes Lake West Site: Forester and Van Alstyne properties (to be acquired by WSDOT)

- WSDOT will agree to:
 - Design a wetland mitigation plan to 100% permit design (such plan shall include a Maintenance and Monitoring program).
 - Short plat and purchase the portion of Forester's property necessary for construction of the wetland mitigation site.
 - Encumber this property site with a conservation easement providing perpetual maintenance as a wetland and buffer. Include a provision to allow appropriate public access and use, such as trails and picnic shelters, which are in keeping with the wetland functions.
 - Construct wetland mitigation under Stage 1 design build contract.
 - Own, maintain and monitor the site for a 10 year 'establishment' period. Design Builder will be responsible for maintenance during the plant establishment period as outlined in the I-405, SR520 to SR522 Stage 1 request for proposal. Thereafter maintenance through funding provided by the I-405 project will continue maintenance until the 10 year establishment is finalized. If the City of Kirkland's development timeline is within the 10 year establishment period, this agreement would need to be amended to specify the work needed to be done, through a coordination and information meeting between Kirkland and WSDOT. The cost for such work associated with the new improvements would be borne

solely by the City of Kirkland. Establishment requirements and costs for Nickel Project wetland mitigation efforts would continue to be borne by WSDOT for those areas not disturbed by Kirkland's new park improvements for the balance remaining of the 10 year establishment period.

- Work with the City of Kirkland during the 'establishment' period to accommodate the City's public access and use plans that are consistent with the wetland mitigation functions at the site.
- Convey ownership of the wetland mitigation site property to the City of Kirkland following the 10 year establishment period.
- Provide annual reports to the City of Kirkland Parks and Planning Departments. This annual report should depict the baseline condition including at a minimum field pictures of how the area is re-vegetated, success rates of planting, and the appearance of any invasive material on the site. Annual report must also meet the content requirements of KZC 90.55.
- To accommodate future use plans, WSDOT will not fence mitigation sites.
- City of Kirkland will agree to:
 - Assume ownership of the wetland mitigation property after the 10 year 'establishment' period
 - Assume maintenance of the wetland function of the site in perpetuity.
 - Agrees to at a minimum meet with WSDOT prior to making any improvements to the wetland mitigation sites and amend the future agreement to specify the work needed to be done.

Forbes Lake East Site (currently owned by the City of Kirkland Parks Department):

- WSDOT will agree to:
 - Prepare the wetland mitigation site design plans in conjunction with the City of Kirkland Parks Department to accommodate their future use plans. The plans will include grading and planting that does not preclude future trails, parking and passive recreation facilities.
 - Design a wetland mitigation plan to 100% permit design (such plan shall include a Maintenance and Monitoring program).
 - Design wetland mitigation to 100% permit design.
 - Construct wetland mitigation under the Stage 1 design build contract.
 - Maintain and monitor the site for a 10 year 'establishment' period. Design Builder will be responsible for maintenance during the plant establishment period as outlined in the I-405, SR520 to SR522 Stage 1 request for proposal. Thereafter maintenance through funding provided by the I-405 project will continue maintenance until the 10 year establishment is finalized. If the City of Kirkland's development timeline is within the 10 year establishment period, this agreement would need to be amended to specify the work needed to be done, through a coordination and information meeting between Kirkland and WSDOT. The cost for such work associated with the new improvements would be borne solely by the City of Kirkland. Establishment requirements and costs for Nickel Project wetland mitigation efforts would continue to be borne by WSDOT for those areas not disturbed by Kirkland's new park improvements for the balance remaining of the 10 year establishment period.
 - Work with the City of Kirkland during the 'establishment' period to accommodate the City's public access and use plans that are consistent with the

<p>wetland mitigation functions at the site.</p> <ul style="list-style-type: none"> ○ Provide annual reports to the City of Kirkland Parks and Planning Departments. This annual report should depict the baseline condition including at a minimum field pictures of how the area is re-vegetated, success rates of planting, and the appearance of any invasive material on the site. Annual report must also meet the content requirements of KZC 90.55. ○ To accommodate future use plans, WSDOT will not fence mitigation sites. ○ WSDOT agrees not to increase any size of mitigation area on Forbes Lake East sites due to any recently located or yet to be found wetlands on this project or any other public project requiring mitigation. <ul style="list-style-type: none"> ● City of Kirkland will agree to: <ul style="list-style-type: none"> ○ Grant and convey to the WSDOT the right of entry upon this property for the purpose of constructing and maintaining the wetland mitigation site through the establishment period. ○ Encumber this property with a conservation easement providing perpetual maintenance as a wetland and buffer. ○ Assume maintenance of the wetland functions of the site in perpetuity. ○ Meet with WSDOT prior to making any improvements to the wetland mitigation sites and amend this agreement to specify the work needed to be done.
<p>Maintenance Responsibility</p> <p>In general, responsibility for maintenance of project components will not deviate from those described in RCW 47.24 and will conform to the “CITY STREETS AS PART OF STATE HIGHWAYS” guidelines document dated April 30, 1997. Items which may not be addressed in RCW 47.24 are listed below, along with their planned maintenance responsibilities.</p> <ul style="list-style-type: none"> ● Fish passage under I-405, fish way on state right-of-way and on private easements (to be maintained by WSDOT), ● Special seating (described in the I-405 Urban Design Criteria) to be located along the Northeast 116th Street corridor in the vicinity of the interchange (to be maintained by the City of Kirkland), ● Traffic signal at the new half Single Point Urban Interchange shall be owned, operated and maintained by WSDOT, and, ● Traffic signal for the intersection at Northeast 116th Street and 120th Avenue NE will be maintained by the City of Kirkland after new signal installation, testing and refinement by WSDOT is complete, and, ● Wall abutment and abutment finishes, planter boxes adjacent to I-405, and stone landscapes under freeway structures will be maintained by WSDOT.
<p>Financial Implications/Budget Impacts/Source of Funding/Payment:</p> <p>The City and WSDOT will agree to fund their respective costs associated with staff time necessary to fulfill their roles & responsibilities as identified in this term sheet.</p>

Approval Requirements/Signature Authority:			
WSDOT – Craig Stone, Project Director City of Kirkland – Dave Ramsay, City Manager			
Summary Completed By:		Date:	

The undersigned expressly acknowledge and agree that this Term Sheet is not a legally binding contract but rather a written statement outlining their understanding which they intend to serve as the basis for future formal contracts.

I-405 Representative

Date

City of Kirkland Representative

Date